

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Podila et al.

Serial No. 09/936,869

35 USC 371 Filing Date: September 17, 2001

International Filing Date: March 17, 2000

For: "PLANTS HAVING MODIFIED REPRODUCTIVE CAPACITY"

13 Rec'd PCT/PTO 29 MAR 2002

Group: Unknown

09/936,869

Examiner: Unassigned

Confirmation No.: 9480

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, receipt no.: EL 827990328 US addressed to: The Commissioner of Patents, Washington, D. C. 20231

29 March 2002  
Date

B. Kroge  
B. Kroge

Sir:

The Examiner is respectfully requested to consider the references, copies enclosed, which may qualify as prior art. For the Examiner's convenience, the references are listed on the attached Patent and Trademark Office Form PTO-1449.

The references and information provided herewith are cited in a spirit of forthrightness and cooperation to enable Applicants to obtain that measure of protection for the invention to which there is entitlement. However, no representation is made that the listed art actually qualifies as prior art under the patent statute and the mere use of PTO-1449 is not an admission that all listed references are prior art. No representation is made that Applicants know of the best art.

References listed in the PTO Form 1449 submitted herewith which do not specify the month of publication have a year of publication sufficiently earlier than the effective US filing date so that the particular month of publication is not in issue.

It is believed that this submission does not require the payment of any fees. If this is incorrect, however, please charge any requisite fees to Deposit Account No. 07-1969.

Respectfully submitted,



Donna M. Ferber  
Reg. No. 33,878

**GREENLEE, WINNER AND SULLIVAN, P.C.**  
5370 Manhattan Circle, Suite 201  
Boulder, CO 80303  
Telephone: (303) 499-8080  
Facsimile: (303) 499-8089  
E-mail: [winner@greenwin.com](mailto:winner@greenwin.com)

Attorney docket No. 103-01  
DMF:jcn 03/29/02

FORM PTO 1449				37 USC 71 Filing Date: September 17, 2001		
ATTY DOCKET NO.: 103-01		SERIAL NO.: 09/936,869		International Filing Date: March 17, 2000		
APPLICANT: Podila		Group: Unknown				

**U.S. PATENT DOCUMENTS**

		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation Yes/No
		WO 98/44138	10/08/98	PCT	C12M 15/82	15/11	
		EP 967,278	12/29/99	Europe	C12N 15/29	C12N	

**OTHER PRIOR ART** (including Author, Title, Date, Pertinent Pages, etc.)

		Liu, J. et al., <i>Pinus radiata</i> MADS box protein mRNA, complete cds, GenBank Accession AF023615 (January 1999)
		Rutledge, R. et al., Characterization of a AGAMOUS homologue from the conifer Black Spruce ( <i>Picea mariana</i> ) that produces floral homeotic conversions when expressed in <i>Arabidopsis</i> " (September 1998) <i>The Plant Journal</i> 15(5):625-634
		Rutledge, R. et al., <i>Picea mariana</i> AGAMOUS-like MADS-box transcriptional factor SAG1a mRNA, complete cds, GenBank Accession U69482, (January 2000) (references Rutledge 1998)
		Rutledge, R. et al., <i>Picea mariana</i> AGAMOUS-like MADS-box transcription factor SMADS42B mRNA, complete cds, GenBank Accession U46582, (December 1998)
		Taylor, C. et al., "RNS2: A senescence-associated RNase of <i>Arabidopsis</i> that diverged from S-RNases before speciation" (1993) <i>Proceedings of the National Academy of Science, USA</i> 90(11):5118-5122

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
<b>*EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	